


Approved:   
RYAN B. FINKEL  
Assistant United States Attorney



Before: THE HONORABLE DEBRA FREEMAN  
United States Magistrate Judge  
Southern District of New York

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: COMPLAINT  
UNITED STATES OF AMERICA :  
: Violations of  
- v. - : 18 U.S.C. §§  
: 111(a)(1), (b) and 2  
ENRIQUE FELIX, :  
: COUNTY OF OFFENSE:  
: NEW YORK  
Defendant. :  
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

JESTIN A. LLEWELLYN, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

1. On or about February 25, 2019, in the Southern District of New York and elsewhere, ENRIQUE FELIX, the defendant, knowingly did forcibly assault, resist, oppose, impede, intimidate, and interfere with a person designated in Title 18, United States Code, Section 1114, while engaged in and on account of the performance of official duties, to wit, in the Metropolitan Correctional Center ("MCC") at 150 Park Row, New York, New York, FELIX forcibly assaulted and, in doing so, made physical contact with a Federal Bureau of Prisons Correctional Officer, thereby inflicting bodily injury.

(Title 18, United States Code, Sections 111(a)(1), (b) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Special Agent with the FBI, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement officers and others and my examination of reports, records and photographs. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. The Federal Bureau of Prisons ("BOP") is a federal agency that employs Correctional Officers. Correctional Officers have responsibility for, among other things, enforcing the regulations governing the operation of correctional institutions in the United States. The MCC is a correctional institution located in New York, New York that is run by the BOP.

4. Based on my review of documents and records I have learned the following, among other things:

a. ENRIQUE FELIX, the defendant, is an inmate at the MCC. In particular FELIX, the defendant, was convicted in the United States District Court for the Southern District of New York, 09 Cr. 148-1 (JSR) for conspiracy to commit armed robbery, in violation of 18 U.S.C. § 1951 and use of a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A)(i). In connection with that conviction, on or about July 27, 2009, the Honorable Jed S. Rakoff, United States District Judge for the Southern District of New York, sentenced FELIX to a term of 129 months' imprisonment to be served in the custody of the BOP.

b. In addition, on or about November 5, 2018, FELIX pleaded guilty before United States Magistrate Judge Robert W. Lehrburger for escape, in violation of Title 18, United States Code, Sections 751(a) and 4082(a). FELIX is scheduled to be sentenced for this conviction<sup>1</sup> by United States District Judge Lewis A. Kaplan on or about March 14, 2019.

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<sup>1</sup> A United States District Judge has not yet accepted FELIX's plea for this offense.

5. Based on my review of documents and records as well as my conversations with law enforcement officers and witnesses, I have learned the following, among other things:

a. On or about February 25, 2019, a particular BOP Correctional Officer ("Victim-1") was working in the special housing unit ("SHU") of the MCC where ENRIQUE FELIX, the defendant, is housed.

b. Victim-1 was responsible for, among other things, delivering food to inmates in the SHU while they remained in their cells. The food was delivered on trays through a food slot on a cell door. The trays were transported in a cart that Victim-1 pushed down the hall of the SHU. Victim-1 informed law enforcement officers that, contrary to MCC policy, FELIX held open the food slot after Victim-1 delivered FELIX two trays of food. Thereafter, FELIX threw <sup>one of</sup> the two food trays at Victim-1, which struck him in the leg. FELIX also threw an unknown liquid at Victim-1. JAL

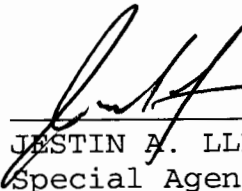
c. Victim-1 called for, and received, the assistance of another Correctional Officer ("CO-1"). FELIX was instructed to place his hands through the food slot so that he could be handcuffed, extracted from his cell and brought to a holding cell to be seen by psychology staff. FELIX complied and Victim-1 handcuffed him, however, Victim-1 did not double lock the restraints.

d. After FELIX was removed from his cell, Victim-1 and CO-1 escorted FELIX down the hallway toward the holding cell. As the three individuals approached the holding cell, FELIX slipped off his hand restraints, turned, and with his right hand struck Victim-1 in the face, near the eye. The strike from FELIX knocked off Victim-1's eyeglasses.

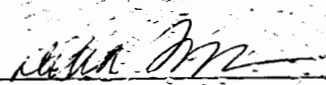
e. FELIX was then taken to the ground by Victim-1 and CO-1, and restrained.

6. Based on my review of records, documents and photographs and from my conversations with other law enforcement officers, I have learned that on or about February 25, 2019, following ENRIQUE FELIX, the defendant's, assault on Victim-1, Victim-1 reported to medical officers pain on his face, in his right ear, his right hand and right elbow. Medical reports indicate that Victim-1 had swelling and redness on his left cheek bone, redness on his right ear and an abrasion on his knuckle and right elbow.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of ENRIQUE FELIX, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

  
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JUSTIN A. LLEWELLYN  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
6<sup>th</sup> day of March, 2019

  
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THE HONORABLE DEBRA FREEMAN  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK